



SPIRON.016C1

CUSTOMER NO.: 20995

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

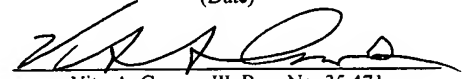
Applicant : Snyder et al.
Appl. No. : 10/665,174
Filed : September 17, 2003
For : CONSTRUCTION DEVICE
INCLUDING REINFORCED
SUTURE HOLES
Examiner : MICHAEL G. MENDOZA
Group Art Unit : 3731

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 15, 2004

(Date)


Vito A. Canuso III, Reg. No. 35,471

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, Spiration, Inc. ("Assignee"), by virtue of a Power of Attorney executed on May 23, 2003, a copy of which is attached.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of one-hundred percent interest in the above-identified application and co-owned, co-pending, U.S. Patent No. 6,632,239, all by virtue of an assignment recorded at Reel No. 012228, Frame No. 0610 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Disclaimer by Assignee

Assignee, owner of one-hundred percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent, U.S. Patent No. 6,632,239, as the term of that prior patent is defined in 35 U.S.C.

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§ 154 and 173, and as the term of that prior patent is presently shortened by any terminal disclaimer. The Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Assignee does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of the prior patent, "as the term of the prior patent is presently shortened by any terminal disclaimer," in the event that the prior patent later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid by a court of competent jurisdiction; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (5) has all claims cancelled by reexamination certificate; (6) is reissued; or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.


The undersigned is an attorney or agent of record and the attorney's registration number is set forth below the typed name.

This Terminal Disclaimer is accompanied by the \$55 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/15/04

By: 
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MTH-2401